

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Dwight Freeman, :  
Plaintiff : Civil Action 2:09-cv-565  
v. : Judge Marbley  
Director Terry Collins, *et al*, : Magistrate Judge Abel  
Defendants :  
:

**ORDER**

This matter is before the Court on plaintiff Dwight Freeman's January 31, 2011 objections to the Magistrate Judge's January 10, 2011 Report and Recommendation recommending that defendants Trooper Ball, Terry Collins, Phillip Kerns, Al Louise, Murphy, Owens, Stalnaker, Welch, and Woodward be dismissed from this action.

Upon *de novo* review in accordance with the provisions of 28 U.S.C. §636(b)(1)(B), the Court **ADOPTS** the Report and Recommendation and **GRANTS in part** defendants' motion to dismiss.

Plaintiff argues that he provided the Court with all the required copies of the complaint and the corresponding exhibits. Plaintiff maintains that when he completed the forms for service he had the correct addresses. He argues that it is not his fault that some of the defendants are no longer at the same place of employment. Freeman contends that he never received any notification that summonses were returned

unexecuted for defendants Trooper Ball, Terry Collins, Phillip Kerns, Al Louise, Murphy, Owens, Stalnaker, Welch, and Woodward. Plaintiff maintains that he should be provided the opportunity to discover contact information for these defendants.

Plaintiff fails to provide any explanation for why he failed to file any opposition to defendants' motion to dismiss. If plaintiff required more time to ensure that all defendants had been properly served, he should have sought an extension of time from the Court. Furthermore, plaintiff filed his complaint on July 13, 2009, and he has had eighteen months in which to perfect service on these defendants. He has failed to do so.

The Court ADOPTS the Magistrate Judge's January 10, 2011 Report and Recommendation and GRANTS IN PART The Ohio Attorney General's November 17, 2010 second motion to dismiss named individuals Barr, Batista, Bevins, Cadogan, Terry Collins, Comer, Gary Croft, Cynthia M Davis, Durham, Fields, Larry Green, T. Hill, Phillip Kerns, Al Louise, Lykins, Markins, L. Mautman, Joshua Maynard, Messer, Murphy, Owens, Pack, Mona Parks, Pearson, Porter, Dirk Prise, David See, Stalnaker, Lt. Stone, Welch, Witman, Woodard, and Sean Wright (doc. 41). Defendants Trooper Ball, Terry Collins, Phillip Kerns, Al Louise, Murphy, Owens, Stalnaker, Welch, and Woodward are DISMISSED from this action.

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s/ Algenon L. Marbley  
Algenon L. Marbley  
United States District Judge